

YEAS—16.

Armistead,	Houston,
Bell,	Jarvis,
Camp,	Kriddle,
Davis,	McDonald,
Douglass of G,	MacManus,
Field,	Terrell,
Frank,	Upshaw,
Garrison,	Woods.

NAYS—12.

Burges,	Gregg,
Burney,	Lane,
Calhoun,	Pope,
Claiborne,	Simkins,
Douglass of J,	Stinson,
Glasscock,	Woodward.

ABSENT—1.

Abercrombie.

Senator Frank offered the following resolution:

Resolved, That four hundred and ten copies of the Senate Journal be ordered printed each day for the use of the Senators, and

Resolved, second, That it shall be the duty of the Sergeant-at-Arms to equally distribute the printed Journals among the Senators each morning before the Senate convenes.

Adopted.

Senator Douglas moved to reconsider the vote by which the resolution to have ice was referred to the Committee on Rules.

Carried, and

The resolution was adopted.

On motion of Senator Stinson,

Senator Burges was excused from serving on the Committee on Public Buildings and Grounds, and

Senator Camp was added to said committee

Senator Simkins, by leave, made the following committee report, which,

On motion of Senator Pope, was adopted:

The joint committee of arrangements beg leave to make the following report of the arrangements made by the joint committee on arrangements for the inaugural ceremonies:

1. The Governor and Lieutenant Governor, accompanied by the Hon. A. S. Walker, district judge, and the Adjutant General, the committee of arrangements and the escort of citizen soldiery, under the command of Colonel Smythe, second militia, will proceed to the Driskill House, and there being joined by the Governor and Lieutenant Governor-elect, will return in the following order:

1. The Governor and Lieutenant Governor and the Governor and Lieutenant Governor elect.

2. The Adjutant General, Judge A. S. Walker and chairmen of the joint committee.

3. The committee of arrangements.

4. The military.

On reaching the capitol the procession will move to the door of the Hall of Representatives, where the Governor and Lieutenant Governor and the Governor and Lieutenant Governor elect will be received by the honorable Senate and House of Representatives in joint session assembled, where the oath of office will be administered by Judge A. S. Walker.

SIMKINS,

For Senate committee.

BELL,

For House committee.

On motion of Senator Lane,

The Senate adjourned till 10 o'clock to-morrow.

SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, JANUARY, 18, 1887. }

The Senate met pursuant to adjournment.

Lieutenant Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Houston, the reading of the Journal of yesterday was dispensed with.

On motion of Senator Houston, Senator Stinson was excused to day.

The President gave notice of signing S. H. B. No. 4, entitled "An act making an appropriation to pay the mileage and per diem pay of members, and per diem pay of officers and employes of the Twentieth Legislature."

PETITIONS AND MEMORIALS.

By Senator Jarvis:

Memorial from Farmers Alliance of Parker county, asking relief for drouth sufferers.

Referred to special Drouth Relief Committee.

Senator Terrell submitted the following reports:

COMMITTEE ROOM, }
AUSTIN, TEXAS, January 17, 1887. }
Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to which was referred Senate bill No. 18, have carefully considered the same and instruct me to report the same back with the recommendation that it do pass.

The bill seeks to define and fix the liability of joint obligors and their estates.

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, TEXAS, JANUARY 17, 1887. }

Hon. Barnett Gibbs, President of the Senate:

Sir—Your Judiciary Committee No. 1, to whom was referred Senate bill No. 20: "An act to amend article 1653 of the Revised Statutes," have had the same under consideration and instruct me to report it back with the recommendation that it lie on the table, a bill embodying the same features now being before the Senate.

Respectfully submitted,

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, TEXAS, JANUARY 17, 1887. }

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to which was referred Senate bill No. 28, have carefully considered the same and instruct me to report it back with the recommendation that it do not pass.

The bill seeks to make void all mortgages hereafter given upon exempt personal property and growing crops.

Respectfully submitted,

TERRELL, Chairman.

Bill read first time.

Senator Simkins gave notice of intention to make minority report on bill.

COMMITTEE ROOM, }

AUSTIN, TEXAS, JANUARY 17, 1887. }

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to which was referred Senate Bill No. 36, have carefully considered the same and instruct me to report it back with the recommendation that it do pass.

The bill seeks to repeal the law known as the "Veteran 1280 Acres Land Certificate Act."

Respectfully submitted,

TERRELL, Chairman.

Bill read first time.

COMMITTEE ROOM, }

AUSTIN, TEXAS, JANUARY 17, 1887. }

Hon. Barnett Gibbs, President of the Senate:

Your Judiciary Committee No. 1, to which was referred Senate bill No. 29, have carefully considered the same and instruct me to report it back with the recommendation that it do not pass.

The bill seeks to repeal the act permitting chattel mortgages and other liens on personal property.

Respectfully submitted,

TERRELL, Chairman.

Bill read first time.

By Senator Camp:

COMMITTEE ROOM, }

AUSTIN, TEXAS, JANUARY 18, 1887. }

Hon. Barnett Gibbs, President of the Senate.

Sir—Your Committee on Rules, to whom was referred Senate concurrent resolution, providing that a joint committee on constitutional amendments of four Senators and five members of the House, etc., have had the same under consideration, and have instructed me to report the same back with the recommendation that it do not pass.

Respectfully submitted,

CAMP, chairman.

Senator Lane offered the following resolution, and had it referred to Committee on Public Printing:

Resolved, That upon the introduction of any bill in the Senate, the Journal Clerk shall enter upon the Journal of the Senate a full and comprehensive synopsis thereof, which synopsis shall be seconded every time the bill is up for action thereon by the Senate, and the same synopsis shall be printed in the Legislative Record in connection with every mention made of any bill in said Legislative Record.

Senator Burges offered the following resolution.

Resolved, That the Senate Finance Committee be and are hereby instructed to inquire into the constitutionality and expediency of a graded land tax, and that they be requested to respond by bill or otherwise at their earliest convenience.

Lost by the following vote:

YEAS—11.

Bell,	Knittle,
Burges,	Lane,
Burney,	Pope,
Claiborne,	Woods,
Douglass of G,	Woodward.
Frank.	

NAYS—15.

Abercrombie,	Gregg,
Armistead,	Jarvis,
Calhoun,	McDonald,
Camp,	MacManus,
Davis,	Simkins,
Field,	Terrell,
Garrison,	Upshaw.
Glasscock,	

ABSENT—2.

Douglass of J. Houston.

Senator Woodward offered the following resolution:

Resolved, That the Sergeant-at-Arms be and is hereby authorized and directed to purchase forty copies of an index to the general laws of the State of Texas from 1879 to 1885 inclusive, as prepared by Geo. P. Finley and Foster Rose, of the Galves-

ton bar, and to furnish each Senator with copy of the same, provided he shall not pay exceeding the sum of two dollars (2.00) each for the same, and to be paid for out of the fund for the contingent expenses of this Legislature.

Senator Terrell moved to table the resolution.

Lost, and the resolution was adopted by the following vote:

YEAS—17.

Abercrombie,	Jarvis,
Aminstead,	Lane,
Bell,	McDonald,
Burges,	MacManus,
Camp,	Pope,
Claiborne,	Upshaw,
Davis,	Woods,
Frank,	Woodward.
Houston.	

NAYS—10,

Burney,	Glasscock,
Calhoun,	Gregg,
Douglass of G,	Knittle,
Field,	Simkins,
Garrison,	Terrell.

ABSENT—1.

Douglass of J.

By Senator Frank:

"An act to relieve the drouth sufferers of Texas, and to make an appropriation therefor."

Referred to Special Drouth Relief Committee.

By Senator Glasscock:

"An act to amend title 17, chapter 1, of the Revised Civil Statutes, by adding thereto Articles 343a and 343b."

Referred to Judiciary Committee No. 1.

By Senator Bell:

A bill to be entitled "An act to amend Article 2285 of chapter 2, title 38, of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

And a bill to be entitled "An act to provide for the sale of such appropriated public lands, situated in the organized counties of the State of Texas, as contain not more than 640 acres."

Referred to Committee on Public Lands.

Senator Glasscock offered the following resolution:

Resolved, That all bills of more than two pages of written matter, and all bills of public importance, may be published under direction of the Chairman of such committee to whom such bills have been referred.

Senator Burney moved to amend by inserting "by majority vote of each committee."

The amendment was lost and the resolution adopted.

By Senator Jarvis:

A bill to be entitled "An act to amend Article 566 of an act entitled an act to amend chapter 2, Article 566 of the Revised Civil Statutes of Texas," passed by the Nineteenth Legislature and approved March 27, 1885.

Referred to Judiciary Committee No. 1.

By Senator Burney:

A bill entitled "An act to amend Article 560, chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

And a bill entitled "An act to amend Article 564, chapter 4, title 7, of the Code of Criminal Procedure of the State of Texas."

Referred to Judiciary Committee No. 2.

And a bill to be entitled "An act to amend Article 595, chapter 4, title 20, of the Revised Civil Statutes of the State of Texas."

Referred to Judiciary Committee No. 1.

By Senator Douglass of Grayson:

An act to reduce the term of imprisonment of State convicts for good behaviour.

Referred to Committee on Penitentiaries.

Senator Woods introduced the following resolution, and had it referred to the Committee on Education;

Whereas, There is much complaint against the law providing for the examination of teachers of the common schools of this State; therefore, be it

Resolved, That the Committee on Education be requested to investigate the law in reference thereto, and if they deem it proper, to prepare a bill and return the same, amending the law to meet said objections.

By Senator Simkins:

"A bill to amend Article 4665, chapter 50, title 95, by taxing sales of liquors in quantities less than a quart, \$1500; more than a quart and less than five gallons, \$750; and in quantities of five gallons or more, \$500; and on sales of beer an annual tax of \$100."

Referred to Committee on Finance.

(Senator Pope President pro tem in the chair.)

On motion of Senator MacDonald:

(The bucket shop bill), Senate bill No. 7, was made a special order for Monday next, after morning call.

On motion of Senator Bell:

The House resolution on the same subject was made also a special order for Monday, after morning call, to be considered in connection with the first special order.

Receiving a message that the House was in waiting, the Senate repaired to the House for the purpose of inaugurating the Governor and Lieutenant Governor elect.

IN JOINT SESSION.

Lieutenant Governor Gibbs and Hon. Geo. C. Pendleton, Speaker of the House, presiding:

The Senate roll was called.

Quorum present.

The House roll was called.

A quorum present.

Prayer by the Senate Chaplain, Dr. Smoot.

The Hon. John Ireland, retiring Governor, was introduced and made a short address.

The Hon. L. S. Ross, Governor elect had the oath of office administered to him by District Judge Alex. Walker, and being introduced by the Speaker, delivered the following address:

Fellow Citizens, Senators and Representatives in the Legislature of Texas:

Every two years the people are called to select, from the citizens of the State, those who are to administer the affairs of their government. In making this choice, every political question that touches the honor, progress and well being of the country is fully considered: policies, laws and institutions are freely discussed. And as you have just come from the people, it is fair to presume that you are fully prepared to give expression to what may be termed the logic of the popular mind. Probably no legislature was ever confronted by graver responsibilities. Those who study the public affairs of our State, and consider the want of homogeneity in its population, its industrial pursuits, business enterprises and social sympathies, are aware of the fact that it presents questions vastly more complicated and embarrassing than any other State; and the knowledge required to deal with them wisely, and work out safe issues, is immense.

I have a profound hope, not clouded with the slightest doubt, that these great and vital measures will be undertaken with commendable temper, moderation and fairness; and I feel confident that you will meet bravely, unselfishly and loyally, the great work confronting you. Recognizing a common obligation to do full justice to all, the humblest as well as the highest—and make stronger the bonds which should unite us, as a people, in a common, grand destiny—commensurate with a State boundless in its resources, infinite in its possibilities, and extending the largest freedom of pursuit in matters of religious concernment,

social habits, and business engagements, with no respect of persons, in regard to rank or place of birth—in unison with that political creed which peculiarly distinguishes our system of popular government.

The legislator has a peculiar province committed to his care, and is expected to meet the constant variations in the conditions of society, its interests and its securities. It is the experience and the wants of society, that teach what laws are necessary; and they should be enacted and framed according to these demands and exigencies. But the probabilities of frequent changes of policy, upon economic questions in our State, is, doubtless, a great disadvantage to its general prosperity. What it needs and pleads for is stability—permanency—something upon which the people may safely rely, as abiding. It is not to be expected that great enterprises will take that scope, or feel that vigor, confronted with the liability of radical change each two years, that it would could the assurance exist that a given policy would abide, so that men might be certain to reap the reward of their sowing. Experience demonstrates that frequent changes in non-essentials are more hurtful, in unsettling the minds of the people, than the small defects which these changes have generally proposed to remedy; to say nothing of the increased cost of legislation and the neglect of more important matters. Besides, it is possible to so complicate legislation as to render its effects nugatory, and to make the simplest provision a loop hole through which improper practices are possible; and it may not be deemed amiss to say that the practice has become quite too general, by which the most important business of each session, affecting laws and well established policies, is crowded into its last hours, thus constraining members, without time for mature deliberation, to either suffer measures to become laws, or incur the risk of subjecting the State and individuals to great loss and inconvenience.

In the philosophy of our government, we have a system of distributed powers, between the different departments thereof, so incorporated into the general system, and endowed with such functions as to enable them to act as checks upon each other. And there has been assigned to each, with great precision and certainty, its appropriate functions—wisely guarding the whole by expressly forbidding the

exercise, by any one of them, of the powers assigned to either of the others.

It is further seen that the same admirable distribution of powers exists between the general and State governments, and while the nature and scope of the system is complex in its machinery, it is, at the same time, simple in its operation. According to this theory a very large portion of the functions of government is of a local character. The federal government takes cognizance of those matters of national interest and leaves the great mass of governmental powers to the States, which, in turn, largely distribute them out to the counties, and one important branch of the government—the judiciary—requires the aid of the individual citizen in the jury box. All, however, proceed upon the theory of self-government, and assume that the people of every locality are competent and well disposed to it.

This being true, it is important that the State shall be lacking in no essential quality to afford protection and security to person and property in every emergency, and present no pretext for the extension of the area of federal power, which, by express grant, coupled with an imperative injunction for its exercise, is given to those invoking it in the provision that declares, "No State shall deny to any person within its jurisdiction the equal protection of the laws." If, therefore, we would preserve the dignity of our State and make it sovereign with respect to its internal government, it must stand ready and willing to bring punishment to all those who seek to disturb society, or embarrass or obstruct its agencies for the preservation of law and order. Besides it is a fundamental principal of law that, while the citizen owes allegiance to the government, he has the right to demand, at any cost, protection for life, person and property, and the full enjoyment of free speech, a free ballot and a safe home. The obligations are mutual, and where you ignore or weaken this right you destroy or diminish the duty of allegiance.

It is not too much to say, then, that where there are extraordinary combinations to violate the laws there should be extraordinary legislation for its suppression, and the wisdom and statesmanship of Texas, I doubt not, will be found equal to the duty of prescribing remedies for every crime which the ingenuity of evil disposed men can contrive or invent. If our present

laws are defective in that respect, they should be promptly amended; if new ones are demanded by public exigencies they should be enacted, and the officials charged with their execution clothed with ample power and authority to enforce obedience, otherwise they will be illusory in character and useless in action. The people expect their representatives to guard well the door of their treasury, and, under existing financial conditions, we are compelled to scrutinize our expenditures with the utmost vigilance, and endeavor by all fair and honorable modes to reduce the expenditures to the lowest practical amount consistent with a proper regard to the public interest and an effective administration of the government. But they do not demand an unreasonable stringency which would incur the peril of a disastrous recoil, superinducing the very state of things sought to be shunned, by a sacrifice of efficiency to a false idea of economy. We may boast in vain of our great natural resources, but we shall fail to impress the world by playing the giant abroad and the pigmy at home.

Our people are educated in law abiding habits, and their instincts and their interests are in favor of peace, order and justice. They present a higher evidence of thrift, economy, labor, wealth and prosperity—the natural results of obedience to law and order—than any other given section of the Union. And while insisting upon the exercise of a wise and just economy, they expect their representatives to infuse the necessary strength and vigor into every department of government, for they stand pledged to maintain the laws, foster progress, universal education and the elevation of the masses, protect labor, encourage capital and build up home industries, to the end that our people may be induced in a fuller measure to rely upon their own resources, and thus develop the greatest diversification of commercial and industrial enterprises to add to the wealth and production of the State, and the continued activity of those great and vital moral and economic forces which underlie true grandeur, and which tend to cultivate and enlarge an undying attachment to our State, its history and its institutions, and inspire a profound State pride, as well as a sublime veneration for the patriotic example of those who laid, broad and deep, the foundations of State government.

In every polity, whether civil or ecclesiastical, the judicial system is a matter of the first importance, and needs to be adjusted with the greatest care and accuracy, to subserve the ends of government in the repression of wrong and the defense of right. Laws are mere abstractions, and cannot enforce themselves, but must be expounded and faithfully applied to serve their purposes; and it is quite possible to have a wise system of legislation, and at the same time, such defective organism for enforcement, as that the laws will be either too lax, or too tardy in their operation, as is supposed to be the case with our present system. The privilege of appeal is of small value to the citizen, where he is forced to wait long years before he can have his rights determined. The very lapse of time intervening working incalculable injury, and, in some instances, a practical denial of justice. Besides, it is impossible to compute the loss, in money and peace of mind, to the citizen where he cannot have his appeal heard, and his real or supposed advantages speedily realized.

The interests of every State needs, above all else, a strong bench, equal to the intellectual demands of the people, always remaining in justice and equity, in intellect and learning, in freedom and courage, the central orb of the highest civilization, and the sheet anchor of law and order. The rich and powerful, with an inexhaustible treasury, and a ready command of the best legal talent at the bar, can take care of themselves; but the suet, and often the only hope of the poor and weak, for the protection of person and property, is to be found in the able judge, who pursues the call of official duty, regardless of temporary frenzy, of popular passion or applause, or the corrupting influence of unbridled power.

But, after all, our laws must be sustained by moral sentiment, and personal effort must supplement official action. There are evils which statutes cannot reach or remedy; and when you have passed all constitutional laws appropriate to the situation and they have been faithfully executed by the proper officers, there will remain a great work for the people which comes not within the scope of legislation, and the reform that is called for in this direction is no small matter. It will take combined and continued effort, as well as wisdom, patience and courage. Where it

is wrong public opinion must be changed; where it is false public sentiment must be corrected. We must begin at the fireside, keep it up in the school room, continue it in the press, urge it in the pulpit and complete it in the courts of justice.

The foundation of successful self government is a widely diffused education and a high average of moral culture. No people can be truly and permanently great, in the highest and best sense of the word, who do not provide ample home educational facilities for their youth. The wise statesmen who preceded us recognized the fact that our Constitution rests upon the virtue and intelligence of the people, and when ever either one of these ingredients fails our government fails, and with lofty patriotism they placed our public school interests upon a substantial and permanent basis.

Though our common school books are in a more advanced state than those of any other part of the country, it is a matter of profound regret that our reformatory efforts, to save neglected and forsaken children, have not kept pace with our progress in common school education, and hence our state is now cursed with a large and rapidly increasing juvenile population growing up in vice and ignorance, and sure of becoming adepts in crime long before arriving at manhood. The minds and hearts of these children constitute a part of our State productive capital, of far greater value, in working out the noblest destiny of a noble people, than all its vast and varied natural resources, and it is not only worse than a waste of capital, but bad political economy, to suffer any of them to grow up to prey upon society.

The most inveterate offender has some rights which society must respect. It cannot be pretended that it is the object of punishment by the civil authorities that the individual punished shall receive the recompense of his crimes. This would not only be futile, but a usurpation of powers belonging to the Deity alone. It is not administered for vengeance, but for the prime object of the prevention of crime, and the incidental object of individual reformation. The most general and potent cause of crime is the result of neglected and miseducated childhood; and as this misdirection of faculty is amenable to discipline, and is easily modified by altered surround-

ings, and a judicious training which will show the disadvantages of a criminal life when weighed against the advantages of liberty and good repute. We, therefore, neglect our plain duty, so long as we fail to establish suitable industrial schools, or reformatory institutions where they may be taught respect for law and order, the necessity for virtuous principles, and to look forward to labor of some kind as their ultimate duty and privilege, while filling the weightier duties of citizenship with a patriotic devotion to the land in which they live.

The right to live, to own and possess property, and to exercise the civil and political franchises, are the dearest interests of mankind; and it is the highest duty of government to provide means to protect and secure every citizen in the undisturbed enjoyment of these rights. In every government allowing expression of opinion by vote, there have always been differences and sentiment giving rise to political parties having the disposition of the honors of office, and attendant revenues. And in our country, the result rests upon the decision of the majority, legally ascertained, and announced as the will of the people, expressed under legal forms, and where all the citizens are of equal value. There should be, therefore, no loss of faith in the ballot as the infallible oracle of the public will, and the sovereign arbiter of political disputes, which would, in the end, result in the withdrawal of the respect due, and cheerfully accorded, by the people to their chosen rulers, ruinous to domestic content and the permanence of our institutions. For, after all, their permanency is measured only by the height and depths of love and loyalty the true citizen bears to the government.

So jealous have been our law makers of the sanctity of this right of the people to have their will expressed at the polls without bias, and unawed by anybody, and afterward have that verdict legitimately ascertained by an honest count, that there has been a manifest reluctance on their part to amend our present election laws by the adoption of such innovations as would place them more in consonance with the advanced progress and thought obtaining in other States. It is a well recognized fact, however, that our law's slow delay has proven a prolific source of annoyance to the people; and there seems to be a popular de-

mand that the eagerly anticipated answer, in the final decisions of our political contests, shall more speedily emerge from doubt into ascertained certainty, and there appears no good reason why we should hesitate longer to conform our laws, in this respect, to those of other States, which have stood the test of experience, and are eminently just and satisfactory.

While the enactment of penal laws are necessary and indispensable to quell disorders, detect, convict and punish those who outrage civilization and the peace of society, wise government will do all those just things to remove what any portion of its citizens properly deem to be grievances, for such action is quite as important as repressive measures. If you want a people to be orderly, give them a government under which the humblest citizen is not beneath the protection of the laws, or the highest above the reach of their authority.

Where there is found a just cause of complaint, we should, without delay, inquire into the nature and extent of the evil, and thoughtfully and wisely consider and apply the best and most practicable means of removing or lessening it.

The bill of rights declares in unequivocal language, that "perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed." And yet, our State has created, and is each year strengthening, a system of corporate power, relieved of all personal responsibility, and clothed with exclusive rights, powers and privileges in perpetuity, and it is apparent that influences vast and potential are at work to reduce the whole carrying trade of the country into a single monopoly and management, no matter how oppressive, and no matter how widespread the ruin and disaster it may bring to other industrial interests of equal, if not of paramount, importance to the people at large.

If this right be acknowledged and perpetuated, the great body of the citizens will have fastened upon them a bondage, compared with which the bondage of Israel in Egypt was tender mercy.

These corporations were created by the people, in their legislative capacity, to meet an overwhelming need in bringing out the dormant wealth of the State and to supply its instant and pressing necessities; and it is not to be wondered at that they were extended

extraordinary encouragement and facilities, nor is it strange that these privileges should have been accompanied with enormous land grants under State provisions. And while we proclaim our unqualified approbation of every policy, recognizing their importance as thoroughfares of travel, as carriers and distributors of products, and as an invaluable and indispensable means of developing and serving the country, it can hardly be questioned that these artificial bodies were created by the people as creatures of their power—the instruments of their convenience—and designed for their service and not their subjection. And it was clearly the will of the framers of our organic law, to throw them open to the laws of competition in every particular, making them evoke their own checks and regulators as the true theory for their management. But these constitutional inhibitions and statutory requirements are nullified by the simple will of corporations of our own creation, and possessing no powers except such as are conferred upon them by law.

It is the theory of our government that the Constitution shall be obeyed—that the laws made in pursuance thereof shall be executed—and until they are repealed, no party has the right to nullify them or deny their enforcement. If these laws, from inherent defect or absence of power in the State, cannot be executed, they should be eliminated from our statute books. If they are wise and just, they should result in securing the timely and efficient exertion of such control as the State may have the right to claim over these corporations, and no power on earth should be suffered to clog or impede its assertion. If they are to be operated in such manner that the products raised out of the soil, and the commodities created by the industry of the people, are taken from the producer and inure alone to those who receive their earnings, they become of small practical value to the people at large.

We should be unwilling to permit them, by an arrogation of authority superior to that exercised by the State, to abolish the wholesome laws of supply and demand, and advance or depress at will the price of every commodity raised by the people. It is the consumer, in every instance, who must pay for every factor that enters into the cost of a commodity, and it would,

therefore, be ruinous in its results to the interests of the whole people.

We are endeavoring to induce capitalists to supply us with additional mills and factories, but prudent business men will not build them with so liberal a hand, knowing that this unbridled power can shut their doors and render them profitless at its pleasure.

The effects of such methods upon the lumber, cattle and cotton interests would be only a little less injurious. In regard to the latter, while these corporate and manufacturing companies are made rich by it, the producers waste their lives and fortunes in raising this article at a cost greater than its selling price, and yet it is an element of the largest manufacturing interest in the world, the most valuable article of commerce—a currency within itself—and the greatest boon to human industry.

These are all sources of wealth to our people, involving immense capital and supplying employment to an immense sary, therefore, that the people shall have good public highways well kept, by improving, if possible our road laws, now so badly in need of revision. Turnpikes made the valleys of Virginia, Kentucky and Middle Tennessee, rich long before they had railroads. Good highways are worth more in inducing immigration and capital than all the speeches and publications that can be made about the undeveloped resources of our State. They increase the value of property and add greatly to the revenues of the State, stimulate production, by saving incalculably, in time and money to the producers, and all business and industrial interests are intimately involved in the matter.

The ownership of land is not only an element of great political power, but no class of people can make any very appreciable advance in civilization without its possession. There is but little to produce patriotism, or pride of country, in a people who are all tenants at will—the soil they tend belonging to others, and of which they may be deprived of at pleasure—and even their labor worthless without the patronage of the strong. Government should, therefore, feel itself constantly bound to administer its public lands with schedule care, in order that the greatest number of its people may secure homes at a nominal cost, with security title. The problem confronting the people of Texas in this connection,

comprehends the disposition of a vast commonwealth, as a great trust, created and assumed by the State Government, as a common fund to be held and administered for the best use and benefit of all the people. To divert these lands from that general object, to misapply or sacrifice them, to squander or improvidently cast them away, would be alike subversive of the interests of the people, and contrary to the plain dictates of duty, by which the State stands bound in the conditions under which it holds this public property, and for the fulfillment of which its faith is pledged.

Looking upon the lands remaining as a cession for the benefit of the special funds to which they have been dedicated as a productive capital, available for immediate use in bettering the fortunes and conditions of the present generation, as well as their posterity, by relieving them in some measure from the burdens of oppressive taxation—a sale to actual settlers, in volume of labor, and should receive the fostering care of the government, and not to be dominated by any single interest however important within the legitimate sphere of its operation and usefulness.

Shall it be said that Texas has invited a power that can, at its will, deprive the citizens of the reward of his honest industry in his own State and at his own homestead, and the State's arm which he has toiled to nerve, cannot be extended to afford him redress? If so, it will be a confession that the wisdom and courage, which achieved political independence, has degenerated into that stupidity and unmanliness which forfeits material independence also. It would seem that these corporations ought not to be unmindful of the solicitude, so recently manifested, for their rights, privileges, and immunities, and should not wait to be admonished to do full justice to the people of Texas by a spontaneous act, as broad and general, as the circumstances warrant just and beneficent. And it behooves them to cultivate a proper respect for the law in the people, by an exhibition of proper respect for the law in themselves. If they do not propose to abide by the laws of our State, with what grace can they claim protection against those who may assail their just rights?

For the first time in the history of our State, we have seen the laboring classes enlisting under the broad banner of innovation, determined to meet

combination in a fierce and desperate conflict against the inexorable demands of a system deemed by them subversive of the philosophy of mutual rights in business; and, as we cannot afford to see our State made the battle ground of disorder and anarchy, while leaving nothing undone to repress violence, it is our solemn duty to remove all just grounds for its provocation, in order that we may restore confidence and establish a better feeling by providing, if possible, a remedy against oppression by capital, or riots by laborers. The more so, since in the contests between these warring factions, it is the innocent, in every instance, who suffer most. The farming class, and business of all kinds, pay tribute by being taxed in increased freight rates, to make good the loss in running expense and otherwise.

However desirable they may be for the development of our State, we cannot have a railroad built by every man's house. It is all the more necessitous conjunction with leases of unsold lands, has become the avowed policy of the State. But as they clearly involve antagonistic principles, the great practical difficulty with which we are confronted is the adoption of a complex system by which each may be made to contribute its best result to the public benefit.

The celebrated Edmund Burke, in recommending that the forest lands of the British crown should be brought into market and converted into private property at a moderate price, laid down the following just and profound maxims of political economy: "The principal revenue which I propose to draw from these uncultivated wastes is to spring from the improvement and population of the kingdom—events infinitely more advantageous to the crown than the rents of the best landed estates which it can hold. I would throw them into the mass of private property, by which they will come, through the course of circulation, and through the political secretions of the state, into well regulated revenue." The history of the landed system of the United States furnishes the most convincing proof of the value of this policy.

Recognizing that the strength and wealth of the country consists not so much in the money to be exacted as the price of the public lands, as in the increase of population and the soil, and while regarding the public lands as a common fund and seeking to make what reasonably could be made of

them as a source of revenue, it applied its best wisdom to sell and settle them as fast and as happily as possible—disposing of the soil in smaller and still smaller portions, with the view of enabling every industrious man in the country, however poor, to become a free-holder. In like manner, it has been the policy of our State, from the earliest settlement, to settle her domain with the tillers of the soil and others who would develop her resources; ever designing to make the settler the object of its fostering care. To this end, she gave first one league and labor of land to heads of families and one-fourth of a league to single men. This policy was continued, lessening the amount as the country was settled, until it was reduced to one hundred and sixty acres for heads of families and eighty acres for single men, always requiring, as a condition to the various grants, settlement, cultivation and permanent residence.

In the course of time, however, our law makers, becoming impatient at the slow but steady operation of these wise laws, which had been so successfully tested by experience, by improvident and reckless legislation, disposed of large bodies to the speculator and made enormous donations to corporations, thus arresting by law the extensions of further settlement of vast areas, so contiguous, important and valuable, and as a just cause of reproach to the State, by statutory prohibition rendered it an inaccessible solitude, which pioneer settlers may not legally disturb.

To lease land and at the same time reserve the right to sell it at any time without the consent of the lessee, operates as a snare and a delusion to both the lessee and the settler, and measurably defeats both sale and lease. Where there is a reservation of the power of selling the lands to others, regardless of all the lessee should do in the way of improving his leasehold, and this, too, without compensating him for his improvements or reimbursing him for the values swept away by the absorption of his range, and consequent removal at an inauspicious season, with possibly no place left to which he may go, or the danger of becoming the victim of a heartless extortion on the part of those acting under the fraudulent guise of actual settlers. We can hardly expect that a prudent man would be willing to invest his means upon such treacherous inducements; and yet this is the precise condition of

that law which would lease land with the reservation of the right of sale.

It is not an uncharitable suspicion to say that it is clear that those who do thus lease, do so with the settled purpose of protecting their peculiar interests by the exercise of terrorism and lawless force, if necessary, and the apprehension of this danger defeats and hinders settlement by those who, in good faith, desire to embrace the purposes of the law, by the selection of the lands thus situated.

No better evidence could be required to establish this proposition than is found in the result of the sales made under the act of 1883. In addition to this, we have the experience of others, under the operation of a similar system of land laws, in force in New South Wales, Victoria, and Queensland, where there are unlimited areas, and where the laws, in one way and another, have enabled individuals to purchase the freehold of great tracts, or with sufficient machinery at his disposal, to keep himself informed of the situation, and to execute the powers granted him by law, to conduct these business interests upon uniform and prudent principles.

It is for the Legislature, in its wisdom, to determine what laws are appropriate, and its decision is binding upon every other department.

In a constitutional government, like ours, where the people have once delegated their powers to Representatives as their agents these Representatives cannot delegate the power entrusted to them to others, not selected by the people for that purpose. If the Legislature has the constitutional authority to delegate to a board any portion of their legislative functions, they have the authority to remit to them the entire mass of their legislative power. And the converse of the proposition must be equally true, that if they have no authority to delegate their whole power they are, in like manner, powerless to delegate any portion of it, unless the authority so to delegate is expressly conferred by the Constitution. And in this connection it should be borne in mind that the Constitution forbids any person, or collection of persons, being one of these departments, from the exercise of any power properly attached to either of the others, except in instances expressly sanctioned.

It is believed that under a judicious lease system, which will guarantee full

protection to the leaseholder against encroachment, such portions of these lands as are not suitable for agricultural purposes, and susceptible of cultivation or in demand for settlement, can be made to contribute their quota of revenue to the support of the interests to which they were dedicated. The people are certainly not realizing the benefits intended by these munificent landed donations, and the public school system, especially, is becoming a grievous burden to them. The injustice of any proceedings which enable corporations, largely composed of non-residents—who derive great profits from the products of their herds, while contributing but a small pittance to the support of our government—to arrogate to themselves the free use of these lands, needs no argument.

Every citizen in the State has a valuable and appreciable interest in these special donations, as well as in upholding the supremacy of the laws as one to hold immense blocks on long lease with very exclusive privileges. They were hired from the government, averaging ten shillings per square mile on long leases, and the leases were granted with certain reservations, chief among which was the right of any bona fide settler to choose for himself, and pay, by easy installments, for not more than three hundred and twenty-five acres of land. It was found, however, that this feature was the prolific source of interminable and bitter contentions between the settler and the lessee, disturbing the public peace and retarding both sale and lease. Finally, the government of Queensland found a satisfactory way out of the difficulty, by making only short leases, and by restricting the settler, in his selection of land, to well defined and surveyed districts, which could be extended from time to time to meet the demands of settlement—justifying its action upon the ground that it was neither violative of a wise policy nor a wrong to the citizen to prevent him from going into suitable or back country, where he would have either no chance of raising crops or would be too far from a market to sell his produce, and there picking the heart out of a "run" (lease) in order to compel the lessee to buy him out, or else taking up the land and ruining himself in sheer ignorance of the drawbacks.

A wise policy would seem to require that the State should, as soon as possi-

ble, ascertain definitely the precise classification and locality of her public lands, to secure a proper knowledge of their value, and to insure perfect security of title and certainty of boundary, necessary to avoid perplexing land disputes—the worst of all litigation—the distressing effects of which have been fatally felt by our people already. They should not, in any event be disposed of in large masses to individuals, thus leaving to them the time and manner of settlement, but should be sold under one uniform plan, by clear, simple and positive terms, in small bodies to actual settlers only, on known and moderate terms, long time, and at low rate of interest, so as to extend the blessing of cheap land to the largest number. They should be controlled by a single authority, by restoring the constitutional functions of the Commissioner of the Land office, whose responsibility being immediate, undivided, and direct, and whose wisdom and discretion would enable him, of the essential securities of civilization; and there should be stringent and resolute dealing with all those who defy the authority of the State. If it be known, therefore, that there is an extent of power and influence, as well as fixedness of purpose, on the part of any portion of the community, representing any special interest, which demonstrates that the local judicial machinery is inadequate to meet the emergency, which has erected itself into an open defiance that strikes at the very life of the State, while defrauding the revenues of these special funds, and if existing laws do not possess adequate punitive and remedial measures to prevent the use or enclosure of these public lands of any class, for exclusive occupancy, unless under the rights acquired as a leaseholder or purchaser, make them stronger and more vigorous, to be promptly executed by a firm hand, and if need be, with the forcible interposition of the whole power of the State government.

While the executive should proceed to the faithful and impartial execution of all the laws of the State, by use of all the means placed in his power and which may be necessary to that end, there is no real, true safety to our liberties and institutions, but in a strict adherence to the letter and spirit of our laws; and there is no danger to our peace and prosperity that we cannot easily escape, if we will conscientiously adhere to them. He should not, therefore, for the want of proper

legislation, be left with the alternative of either seeing these special funds defrauded of their just revenues, or of becoming the sovereign judge of the emergency which would warrant him in marching an armed force into any community to strike down all civil law.

There is never, under any circumstances, any authority for him to break his oath or violate the law, or to take from the people at his pleasure that security of law which is their birth-right.

In monarchies an appeal to the sword is justly called the last reason of kings. Such an exigency is a sign, not only of social demoralization, but of bad administration. If the people of our State can only be relied upon as obedient citizens when confronted by the soldier, with his hand upon the sword-hilt, we have indeed fallen below the level of contempt from civilized people.

That no exigency should arise, if wise counsels prevail, is apparent to any one who is acquainted with the people of Texas. We claim to be law-abiding citizens, and this claim is borne out by our whole career as a State and Republic, and it may be set down as a maxim, that, if serious social disturbances should ever arise with our people, resulting in a defiance of lawful authority on the part of any section or class, the prime cause, if properly traced, will lead us back to defective or unwise legislation.

If, in any portion of the State, our laws relating to public lands are defied and set at naught, our first duty is to re-examine the laws, with the view of ascertaining what defects, if any, have produced this condition of society, and, upon discovery of any defect, to apply a remedy. Give the people just and wholesome laws and they will not only obey them, but aid their enforcement and execution.

Hon. T. B. Wheeler, Lieutenant Governor elect, also took the oath of office, and being introduced by the Hon. Barnett Gibbs, retiring Lieutenant Governor, spoke as follows:

The eloquent address just delivered by our distinguished executive would seem to be all that could be required on this occasion. The constitution has imposed on him, and on no other, the duty of suggesting a State policy. It would, therefore, not only be indecate, but highly improper, for me to express my views on questions which will receive your attention. But if I had the right, and desired

to do so, it would be useless, as I expect at all times and under all circumstances to work in perfect harmony with the administration. I do not, therefore, come before you with the intention of giving my opinion on pending issues, or to detain you with a lengthy speech, but I appear simply for the purpose of complying with an established custom. I fully realize that I occupy the least important position among the State officers, but I feel that it is the duty of the lowest, as well as of every other member of the administration, to give to our chief a cheerful support, and I wish here, to pledge my fealty, and promise to perform *that duty* to the very best of my ability, and I know that I am authorized in saying, that the other members of the administration will do all in their power, to aid our worthy and able executive in his efforts to give to the people good government.

All Texans have watched with pride, the advancement of Texas. Within the last twenty years she has sprung, as it were by magic, from the twentieth to the eighth class among the States of this Union. While we all rejoice in this great prosperity and contemplate with pleasure future possibilities, we must not forget, that as there is an increase in wealth and population, the labors and responsibilities of those who govern and legislate also increase.

We can better appreciate the work required and responsibility assumed, when we think of the magnitude of the State, and the many interests which will demand your attention.

You have under your control a territory of more than 270,000 square miles, being more than 700 miles wide and more than 800 miles long.

This vast domain possesses within its borders, property valued on its tax rolls, at more than \$6,000,000,000, and is occupied by an industrious, intelligent population of at least 2,000,000.

To make the legislation and government the more difficult, it contains valuable interests which are peculiar to the section in which they are located, and its great wealth is made up of many kinds of property, each of which demands the most careful legislation and wise government.

While the duties of the Executive Department are many, and its responsibilities weighty to the legislative more than to any other department, will the people look for a satisfactory solution of all great issues.

Your body is the great creative power which gives to the State bad or wholesome laws.

No person can contemplate the difficult and important measures with which you

must deal without being impressed with the responsibilities which surround you. No doubt each of you fully appreciate the importance of your position, and realizes that your action on any important question may materially affect the prosperity and happiness of the entire people. Many of you have, by past services, proven your devotion to the State and the welfare of your fellow citizens. When we think of your past record, and remember that all of you are fresh from the people and are well informed on all issues in which they are so deeply interested; and when we further remember that you are Texans, good and true, and therefore earnestly desire to encourage by proper legislation every interest of the State, none can have any apprehension that all questions will not receive that careful attention and wise disposition, which the welfare of the whole State, as well as every portion and interest may demand.

Diversity of opinion will no doubt prevail on all important measures.

Every member has the undoubted right to his opinion, and should be protected in its full free expression in all discussions. But while that is the case, all should, and no doubt will, strive to arrive at a correct conclusion on all questions, and give to the State the very best legislation possible.

True patriotism dictates that our own peculiar views, when we can conscientiously make the compromise, should be subservient to the public good, and we should not hesitate to make the sacrifice, if necessary, to secure good government. If prejudice prevails on account of section or diversity of interest, it should not be permitted to enter these legislative halls or receive consideration from any legislator.

The rights, person and property of the most humble citizen should be rigidly guarded, and every honorable vocation and valuable interests, which will bring wealth and happiness to any considerable portion of the people, should be recognized and protected without regard to the residence of the citizen or the location of the interest.

No wise legislator will deny that laws which are prejudicial to the interest of any respectable class of our citizens or injurious to any part of the State, will to some extent, cripple the prosperity of the whole.

Then, if legislators would have peace and contentment in every part, let them vie with each other in their efforts to enact laws suited to the peculiar interests of each section, as well as to give just laws and good government to the whole State.

In our intercourse with each other as legislators, officers and citizens, let it not be forgotten that we are all Texans, without regard to the section in which we live. And as Texas soil was made sacred by the blood of heroes, and was bequeathed to us as one vast domain, let us, as true Texans, love Texas, all of Texas, one and undivided, now and forever.

Let the dear memories which cluster around the heroes of the Texas revolution, with the grateful recollection of all those noble men who have labored so honestly and faithfully for Texas, inspire all with a love for our entire State, which will cause them to emulate those illustrious warriors and statesmen in their devotion to every interest and section of this grand commonwealth.

With that pure patriotism and strong devotion to our State, exemplified by giving to all her people just laws and wise government, Texas will continue to grow in wealth, prosperity and grandeur. The lone star which was placed with its sisters on that flag and which is the emblem of our sovereignty, will increase in lustre and magnitude until it becomes the most resplendent star in that bright constellation.

The joint session having concluded,

On motion of Senator Terrell,

Adjourned and the Senators repaired to the Senate Chamber.

IN THE SENATE.

The retiring Lieutenant Governor, Gibbs, making a short and appropriate speech, presented the Lieutenant Governor elect, Hon. T. B. Wheeler, who made a short and appropriate address calling the Senate to order.

On behalf of the Senators, Senator Terrell presented Lieutenant Governor Gibbs an engraved gold headed walking cane, and Senator Claiborne, on behalf of the officers of the Senate, presented him a big beaver hat, to both of which the Lieutenant Governor happily responded, and

On motion of Senator Simkins:

The Senate adjourned till 10 o'clock to-morrow morning.